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REMARKS

Applicant and his undersigned attorney appreciate the time and consideration provided by the Examiner during the telephone interview conducted on August 20, 2003. As explained in detail below, the remaining independent claims, that is, independent Claims 58 and 70, have been amended in the manner discussed in order to further patentably distinguish the cited reference. Additionally, Claims 1-57 that have been withdrawn as a result of a prior election have now been canceled without prejudice to presentation in the subsequently filed divisional application. Applicant also notes the objection to the drawings and will provide more formal drawings upon their completion. Moreover, a copy of the Revocation and New Power of Attorney that was filed by facsimile immediately prior to the telephone interview is also attached for the sake of completeness. As discussed during the interview and in view of the amended independent claims and the remarks presented below, reconsideration of the present application and allowance of the amended set of claims are hereby respectfully solicited.

In general terms, the server system of one advantageous embodiment of the present invention permits customers to submit orders for a product over a public access network, such as the Internet, directly to a manufacturer, while processing and accounting for the orders in such a manner as to permit the established distributor(s) and/or manufacturer representative(s) of the manufacturer who are not otherwise involved in the generation of the customer's order to profit from the transaction, generally in much the same manner as if the distributor had generated the order. As such, the server system of the present invention provides another marketing and sales channel for a manufacturer, while maintaining the goodwill and cooperation of established distributors and manufacturer representatives who work with the manufacturer in the more traditional marketing and sales channels.

As recited by the claimed invention, the server system and, in particular, a receiver component receives requests to order a product that include a product code identifying the product and a customer identification identifying the customer. In order to more definitively set forth the claimed invention, independent Claims 58 and 70 have been amended to recite that the receiver component receives the requests on behalf of the manufacturer and that the requests are submitted by a customer. The server system also includes a data storage medium for storing

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information regarding the products that are for sale, including the price associated with each of the products. In this regard, the data storage medium of independent Claims 58 and 70 was also amended to eliminate some unnecessary recitations.

Although the order was placed with the manufacturer in a manner that was independent of the typical distribution chain, the server system notifies one of the established distributors for the manufacturer, such as the distributor who likely would have received the order if the order had been placed through conventional channels, and requests that the distributor provide financial authorization for the sale of the product to the customer. In this regard, many customers have customer accounts with one or more distributors which are relied upon by the server system of this embodiment to finance the purchase of a product by the customer. As such, the server system and, in particular, the receiver component not only receives requests from a customer to order a product, but also financial authorization from a distributor that verifies the customer's account. As discussed during the interview and as now recited by amended independent Claim 58, even though the distributor was not involved in the generation of the order of the product as in conventional sale activities, the server system of the claimed invention still looks to the distributor to provide financial authorization for the transaction, such as by providing the manufacturer with a purchase order number. In return, the distributor will profit from the sale of the product to the customer.

Once authorized, the server system and, in particular, an order placement component places an order with the manufacturer for the product identified by the request. The server system also includes an order fulfillment component that completes the purchase of the product.

In one advantageous embodiment set forth by amended independent Claim 70, the server system also compensates an agent, such as a manufacturer representative, for the sale of the product to the customer, even though the agent was not involved in the generation of the order. In this regard, the data storage medium may also include agent information having at least one predetermined variable associated with each of the agents. In addition, the server system of this embodiment includes a commission component that determines a commission and assigns a commission to one of the agents based on one of the variables. For example, the variables may relate to the territory covered by the respective agents such that the commission component

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assigns a commission to the agent who covers the territory that includes the location of the customer. Thus, the commission component of amended independent Claim 78 compensates the agent, even though that agent was not involved in the generation of the order.

All of the elected claims, that is, Claims 58-76, were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,029,141 to Jeffrey P. Bezos, et al. As discussed during the interview, the Bezos '141 patent describes an on-line associate referral program. The associate referral program is intended to supplement the traffic to a merchant's website. As described by the Bezos '141, the merchant could be a distributor, such as Amazon.com, Inc. In order to increase sales, associates, such as other business entities, may be registered by the merchant. These associates also have websites that are related in some fashion to the product(s) sold by the merchant. In the example provided by the Bezos '141 patent, the associate websites provide book reviews or otherwise describe books that are sold via the merchant website. As such, the associate website may include hyperlinks to direct a potential customer from the associate website to the merchant website if the customer is interested in purchasing the book that is reviewed or otherwise described by the associate website. As such, while customers can continue to go directly to the merchant website in a conventional manner, other customers can arrive at the merchant website via a hyperlink from an associate website.

As discussed during the interview, the Examiner apparently considers the merchant to be akin to a manufacturer and the associates to be akin to distributors or manufacturer representatives. Alternatively, the merchant could be considered a distributor, as in the embodiment described by the Bezos '141 patent with the book publishers being manufacturers and the associates being manufacturer representatives. In either instance, however, the server system of the amended set of claims is patentably distinct from the Bezos '141 patent, as described below.

With respect to amended independent Claim 1, the receiver component has been further defined to receive, on behalf of a manufacturer, requests to order a product from a customer. The receiver component is also defined to receive financial authorization from a distributor. In this regard, the financial authorization is defined to include an acknowledgment from the distributor verifying a customer account. As now amended, independent Claim 58 recites that

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this financial authorization is provided even though the request is received by the receiver component in a manner independent of the distributor. Thus, the server system looks to the distributor for financial authorization of a proposed purchase of a product by a customer, even though the distributor was not involved in the generation of the order.

In contrast, the associate websites that are considered by the Examiner to be akin to the distributors are directly involved in the generation of an order. In particular, the Bezos '141 patent is directed to a system that establishes associate websites for the express purpose of generating additional orders for a product that are directed to the merchant website. Thus, the associate websites are not independent of the request to order a product, as recited by amended independent Claim 58. In addition, the associates do not provide any type of financial authorization. In this regard, the Examiner pointed to column 15, line 48 of the Bezos '141 patent during our interview in conjunction with the provision of financial authorization. However, this passage relates to the input of payment information, such as a credit card number or the like, by a customer which, in turn, is passed by the associate to the merchant website and does not involve any financial authorization on the part of the associate website.

Alternatively, if the merchant website were to be considered the distributor, the merchant website is obviously receiving the orders for the product such that the request to order a product is not received in a manner independent of the merchant website, as now recited by amended independent Claim 58.

For each of the foregoing reasons, Applicant respectfully submits that amended independent Claim 58, as well as the dependent claims that depend therefrom, are not taught or suggested by the Bezos '141 patent. Thus, the rejection of Claims 58-69 is therefore respectfully overcome.

With respect to amended independent Claim 70, the receiver component has been further defined to receive, on behalf of a manufacturer, requests to order a product from a customer. Additionally, the commission component has been further defined to explain that the commission is assigned to one of the agents "even though the request is received by the receiver component in a manner independent of the agents." As such, the agents, such as manufacturer representatives, are compensated for the order that has been placed by a customer, even though

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the manufacturer representatives were not involved in the generation of the order. As described above in conjunction with amended independent Claim 58, the associate websites, which may be considered somewhat akin to the agents described by amended independent Claim 70, are directly involved in the generation of orders and, in particular, the hyperlinks from the associate websites to the merchant websites are established for the sole purpose of generating additional orders that are placed with the merchant website. Thus, although the associates are compensated for referrals in the referral system of the Bezos '141 patent, the Bezos '141 patent does not teach or suggest a commission component that determines and assigns a commission to an agent even though the request that was received by the receiver component was received in a manner independent of the agent, as recited by amended independent Claim 70.

Thus, Applicant respectfully submits that amended independent Claim 70, as well as the claims that depend therefrom, are not taught or suggested by the Bezos '141 patent. Thus, the rejection of Claims 70-76 is also therefore overcome.

CONCLUSION

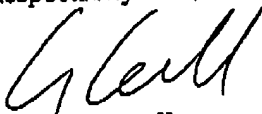
In light of the amended claims and the remarks submitted above, it is respectfully submitted that the present set of claims is in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit
Account No. 16-0605.

Respectfully submitted,


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Registration No. 34,610

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10/25 2003

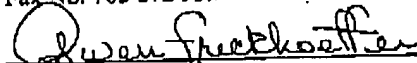
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August 25, 2003
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